

NAJAM, Judge

STATEMENT OF THE CASE

Evelyn Waldrige appeals her sentence following her convictions for Theft, as a Class D felony, and three counts of Contributing to the Delinquency of a Minor, Class A misdemeanors, pursuant to a guilty plea. Waldrige presents a single issue for our review, namely, whether her sentence is inappropriate in light of the nature of the offenses and her character.

We affirm.

FACTS AND PROCEDURAL HISTORY

From December 2001 through March 2003, Waldrige stole a total of approximately \$6000 from her daughter's Girl Scout troop. Waldrige served as the troop's treasurer during that time. On February 4, 2004, the State charged Waldrige with eleven counts of theft. In a separate case, on May 16, 2006, the State charged Waldrige with three counts of contributing to the delinquency of a minor, as Class A misdemeanors, and one count of neglect of a dependent, as a Class D felony. Waldrige had provided alcoholic beverages to three teenagers, the youngest of whom was fourteen years old at the time.

On May 18, 2007, Waldrige pleaded guilty to one count of theft, as a Class D felony, and to the three counts of contributing to the delinquency of a minor, as Class A misdemeanors. In exchange for her plea, the State dismissed the remaining charges in each case. At sentencing, the trial court identified two aggravators and three mitigators and sentenced Waldrige as follows: eighteen months, with sixteen months suspended to probation for the theft conviction; and three concurrent one-year sentences on each

conviction for contributing to the delinquency of a minor, with 335 days of each sentence suspended to probation. The trial court ordered the sentence for the theft conviction to run consecutive to the concurrent sentences on the other convictions. Accordingly, Walldridge's aggregate sentence is two and a half years, with ninety days executed. This appeal ensued.

DISCUSSION AND DECISION

Walldridge contends that her sentence is inappropriate in light of the nature of the offenses and her character.¹ Although a trial court may have acted within its lawful discretion in determining a sentence, Article VII, Sections 4 and 6 of the Indiana Constitution “authorize[] independent appellate review and revision of a sentence imposed by the trial court.” Roush v. State, 875 N.E.2d 801, 812 (Ind. Ct. App. 2007) (alteration original). This appellate authority is implemented through Indiana Appellate Rule 7(B). Id. Revision of a sentence under Appellate Rule 7(B) requires the appellant to demonstrate that his sentence is inappropriate in light of the nature of his offenses and his character. See Ind. Appellate Rule 7(B); Rutherford v. State, 866 N.E.2d 867, 873 (Ind. Ct. App. 2007). We assess the trial court's recognition or non-recognition of aggravators and mitigators as an initial guide to determining whether the sentence imposed was inappropriate. Gibson v. State, 856 N.E.2d 142, 147 (Ind. Ct. App. 2006). However, “a defendant must persuade the appellate court that his or her sentence has met

¹ Walldridge's theft conviction stems from crimes she committed prior to 2005, when the advisory sentencing scheme took effect. But Walldridge only challenges her sentence for that conviction under Indiana Appellate Rule 7(B). Accordingly, we apply the same standard of review with regard to her sentence for theft as that for her convictions for contributing to the delinquency of a minor, which stem from her conduct that occurred in 2006.

th[e] inappropriateness standard of review.” Roush, 875 N.E.2d at 812 (alteration in original).

Here, the trial court identified the following aggravators: “A. The victim is an organization serving children who are largely less than 12 years of age[;] B. The offense was committed in the presence of an individual who was less than 18 years of age.” Sentencing Order at 4. And the trial court identified the following mitigators: the undue hardship Waldrige’s incarceration would impose on her children; her admission of responsibility for the crimes; and her “substantial payments toward restitution[.]” Id. The trial court imposed the presumptive sentence of one and a half years, with all but sixty days suspended, on the theft conviction. And the court imposed concurrent one-year sentences, with all but thirty days suspended, on the contributing to the delinquency of a minor convictions. On appeal, Waldrige does not challenge the validity of the aggravators.

With regard to the nature of the theft offense, Waldrige maintains that while she stole a “substantial sum of money, \$6,132.28, said sum was not an exorbitant amount of money[.]” Brief of Appellant at 8. And she asserts that the theft is of a “minor criminal nature.” Id. at 9. But Waldrige downplays the fact that she systematically stole money from the Girl Scouts, a not-for-profit organization benefiting children, over the span of almost a year and a half. We would characterize the nature of the crime as calculating, and not minor. We cannot say that her sentence for theft is inappropriate in light of the nature of the offense.

With regard to the nature of the contributing to the delinquency of a minor convictions, Waldrige characterizes that conduct as “a single episode of mistaken judgment by [her] from which there was no testimony presented at the sentencing hearings of any lasting or ongoing negative effects upon the three (3) juveniles.” Brief of Appellant at 7. But the evidence shows that one of the juveniles to whom Waldrige provided beer was only fourteen years old. We cannot say that her sentence on these convictions is inappropriate in light of the nature of the offenses.

Next, with regard to her character, Waldrige maintains that she committed the crime of theft because she needed the money to take care of her family. She recounts in great detail the many stresses in her life in an apparent attempt to justify her theft conviction. In addition, Waldrige points out her lack of criminal history. And she asserts that her motive in providing beer to the three juveniles was to prevent them from going to a party where alcohol and drugs were present.

But the trial court imposed the presumptive sentence² for Waldrige’s theft conviction and ordered all but sixty days of the sentence to be suspended to probation. Given that Waldrige stole over \$6000 from the Girl Scouts over the course of well over one year, we cannot say that her sentence for that conviction is inappropriate in light of her character. And the trial court was also lenient in sentencing Waldrige on the three contributing to the delinquency of a minor convictions, ordering all but thirty days suspended to probation. Waldrige has not demonstrated that these modest sentences on her convictions are inappropriate in light of the nature of the offenses and her character.

² Again, this conviction stems from conduct that occurred prior to the effective date of the 2005 advisory sentencing scheme.

Affirmed.

BAKER, C.J., and KIRSCH, J., concur.